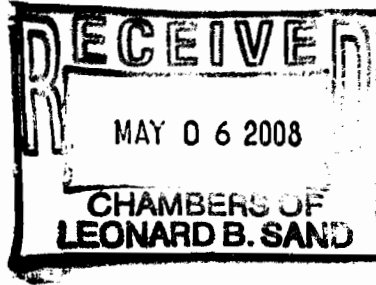


MEMO ENDORSED



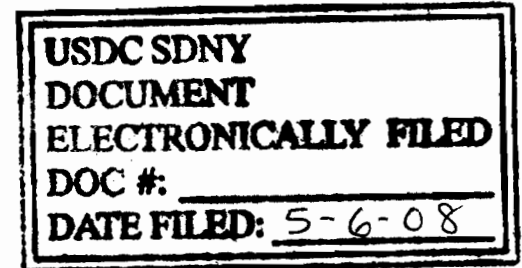
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May 5, 2008

VIA HAND DELIVERY

Hon. Leonard B. Sand
Daniel Patrick Moynihan United States Courthouse
United States Courthouse
500 Pearl St., Room 1650
New York, NY 10007



Re: Structure Probe, Inc. v. EMS Acquisition Corp.
Civil Action No. 07-3893 (LBS)

Dear Judge Sand:

I write on behalf of both parties in this case and pursuant to our letter of April 4, 2008, in which we stated that we would inform Your Honor of the status of settlement negotiations. The parties have now agreed to the final terms of a settlement agreement. Upon, *inter alia*, execution of the agreement, both this action and the action transferred from the United States District Court for the Eastern District of Pennsylvania will be in a position to be dismissed in accordance with the settlement agreement.

We therefore respectfully request that any scheduling in this case be suspended until June 6, 2008. If this is acceptable to Your Honor, the parties will either submit papers dismissing the case, or will otherwise inform the Court of the status of their settlement efforts, by June 6, 2008.

Respectfully yours,

KENYON & KENYON LLP

A handwritten signature of Michael J. Freno.

Michael J. Freno

cc: David J. Wolfsohn, Esq. (by email)
Raymond J. Dowd, Esq. (by facsimile and mail)
Joseph Nicholson, Esq.

A handwritten note that says 'Accepted' and '5/6/08' with a signature.

MEMO ENDORSED